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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/077,715	02/15/2002	Qi Yu	USP1703A-OI2	3579	
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RAYMOND Y. CHAN			EXAMINER		
1050 OAKDA ARCADIA, CA			GORDON,	GORDON, RAEANN	
			ART UNIT	PAPER NUMBER	
			3711	2	
		DATE MAILED: 05/23/2003			

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    The MalLING DATE of this communication appears on the cover sheet with the correspondence address - Period for Raply   AS HORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.   AS HORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.   Edutation of their may be available under the provision of 3 CPR 1.1986), in no event, however, may a regive to timely the street of the provision of 3 CPR 1.1986, in no event, however, may a regive to the street of the provision of 3 CPR 1.1986, in no event, however, may a regive to timely and the provision of 3 CPR 1.1986, in no event, however, may a regive to timely and the provision of 3 CPR 1.1986, in no event, however, may a regive to timely and the provision of the provision of 3 CPR 1.1986, in no event, however, may a regive to timely and the provision of Claims	•	Application No.	Applicant(s)			
Raeann Gorden   3711		10/077,715	YU, QI			
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Period for Reply  A SHORTENEO STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  after SIX (e) MONTHS from the mailing date of this communication.  If the period romply specified above, the maximum statutory period will apply and will sealer SIX (b) MONTHS from the mailing date of this communication.  If NO period for reply specified above, the maximum statutory period will apply and will sealer SIX (b) MONTHS from the mailing date of this communication.  If NO period for reply specified above, the maximum statutory period will apply and will sealer SIX (b) MONTHS from the mailing date of this communication.  If NO period for reply specified alter than three months after the mailing date of this communication, even if limity filled, may reduce any example of the specification is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex partie Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  A) Claim(s) 1-20 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5b Claim(s) 1-20 is/are allowed.  6b Claim(s) 1-20 is/are pending in the application.  4c) Claim(s) 1-20 is/are allowed.  6c) Claim(s) 1-20 is/are objected to.  8c) Claim(s) 1-20 is/are objected to.  8c) Claim(s) 1-20 is/are objected to by the Examiner.  10) The drawing(s) filled on is/are: a) accepted or b) objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  11 proposed drawing correction filled on is/are: a) approved b) disapproved by the Examiner.  12 The oath or declaration is objected to by the Examiner.  13 particular than a proposed drawing are required in reply to this Office action.  14 particular than a proposed drawing are required in reply to this Office action.  15 proposed drawing correction filled on is sold in reply to this Office action.  16 proposed drawing are required in reply to this Office action.  17 p			<b>_</b>			
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2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1-20 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) is/are allowed.  6)  Claim(s) is/are allowed.  6)  Claim(s) is/are objected to.  3)  Claim(s) is/are objected to.  3)  Claim(s) are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on is/are: al accepted or bl objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filed on is: al approved bl disapproved by the Examiner.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All bl Some * ol None of:  1.  Certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a)  The translation of the foreign language provisional application has been received.  15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)	THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).					
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Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  1) Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413) Paper No(s)  Notice of Informal Patent Application (PTO-152)	9)☐ The specification is objected to by the Examiner.					
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S. Patent and Trademark Office						

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#### **DETAILED ACTION**

## Claim Rejections - 35 USC § 112

Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is not clear how applicant's invention is manufactured. According to the spec, pages 6-7 and figure 5 the core is formed using a first and second body. How are the first and second bodies produced? The production of the cover is also disclosed in the same manner. How are the two eight sections forming the cover produced? The pieces appear to be rigid. If so, were they molded in this eight-shape configuration?

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al (5,779,564) in view of Pitsenberger et al. Nakamura discloses a golf ball comprising a core and a dimpled cover. Nakamura does not disclose the method of making the golf ball using the standard baseball/softball eight-shape. However,

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Pitsenberger teaches the method of making a game ball using eight shaped pieces. (abstract, fig 1). In regards to applicant's claims, the final product or golf ball produced appears to be no different from what is disclosed in the primary reference; Nakamura. If the method of production such as the eight-shaped pieces produces a patentably distinct golf ball applicant is encouraged to claim the structural differences of the final product and not the differences in the methods of productions. For example, applicant claims a core produced by connecting two eight shaped sections as shown in figures 5. However, after connecting the two pieces the final core is a standard sphere no different from what is disclosed in the prior art. The same is true for applicant's cover formed from two eight-shaped pieces. Furthermore, the eight-shaped construction is not new in the sporting industry as shown by the secondary reference, Pitsenberger. The eightshape configuration is well known for providing proper balance during flight for game galls such as softballs, baseballs, and tennis balls. One of ordinary skill in the art would have modified Nakamura with Pitsenberger by using the eight-shape configuration to enhance the flight characteristics.

### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raeann Gorden whose telephone number is 703-308-8354. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell can be reached on 703-308-2126. The fax phone numbers for

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the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Raeann Gorden

Examiner
Art Unit 3711

rg May 19, 2003